

REMARKS

This Amendment is filed in response to the Office Action mailed on January 9, 2006. All objections and rejections are respectfully traversed.

Claims 1-27 and 29 are in the application and currently pending.

Claim 28 is cancelled.

Claim 30 is added to better claim the invention.

35 U.S.C. §101 Rejection

At page 2 of the Office Action, claims 1, 11, and 24 were rejected under 35 U.S.C. §101 because the claim recite “data structure” such as packet format having different fields is itself non-statutory.

Applicant has amended claims 1, 11, and 24. Applicant now believes the claims are allowable over the 35 U.S.C. §101 rejection.

35 U.S.C. §102 Rejection

At page 2 of the Office Action, claims 1-29 are rejected under 35 U.S.C. §102 as being anticipated by Buchholz et al., US Patent No. 5,440,545, issued on August 8, 1995, hereinafter Buchholz.

The present invention as set forth in representative claim 1 comprises in part:

1. A method for reassembling a packet, the method comprising the steps of:
 - locating a fragment packet descriptor associated with the packet;
 - and
 - placing the contents of the fragment packet descriptor in a packet descriptor associated with the packet.***

By way of background, Buchholz describes a packet switching system using a packet switch to assure delivery of all fragments. Each data packet includes a plurality of fragments. Each fragment includes control information for that fragment.

Applicant respectfully urges that Buchholz does not show Applicant's claimed novel ***placing the contents of the fragment packet descriptor in a packet descriptor associated with the packet.*** In further detail, Applicant's claimed invention places contents of a fragment packet descriptor in a packet descriptor, where the packet descriptor contains at least a pointer field and a length field. (Spec. page 12, lines 2-10). The ***fragment packet descriptor*** is created by the transmitter and includes the sequence number associated with the fragment. (Spec. page 6, lines 12-29). The packet descriptor is associated with the packet and not part of the packet or the fragment packet descriptor. In contrast, Buchholz describes a virtual circuit register pointing to addresses to write a packet descriptor.

The Examiner states at page 11 of the Office Action that:

"Buchholz does disclose packet descriptors see Figs. 2-5 and reference 510, col 6 lines 16-39, a fragment packet 440 as transmitted contains the packet header 420 information within which (detailed in Fig. 5) contains the virtual circuit ID contained in packet switch 140 of Fig. 2. The virtual circuit ID addresses a queue control block which in turn points to packet

descriptor, thus a fragment packet descriptor associated with a packet is located using virtual circuit ID pointers.”

Applicant respectfully notes that the examiner is incorrect because a virtual circuit ID cannot point to a fragment packet descriptor. A virtual circuit has zillions of packets and fragments floating through it. A virtual circuit ID is the identification information for one particular virtual circuit. Buchholz describes a virtual circuit ID field as part of the packet header, and a virtual circuit ID register which has pointers to read and write packet descriptors. In contrast, Applicant’s claimed invention places *the contents of the fragment packet descriptor in a packet descriptor associated with the packet*

The Examiner argues that Buchholz at Col. 6, lines 16-39, disclose packet descriptors associated with the packet. Col. 6, lines 16-39 states:

“FIG. 5 illustrates the information contained within the packet header 420 of FIG. 4. It also represents the extent of the control data portion of a transmission packet that does not require reassembly. Each packet header 420 includes a virtual circuit identification (ID) field 510, packet length information field 520, destination information field 530, and validation information field 540. The virtual circuit ID field 510 contains information that specifies a virtual circuit register contained within packet switch 140 of FIG. 2. The virtual circuit register points to or addresses a queue control block which in turn points to read and write packet descriptors which can point to an additional packet descriptor, as well as to read and write buffer descriptors. The buffer descriptors each point to a write buffer and to a next read and write buffer descriptor, thereby forming a chain or link of addresses for defining which buffer location the message data portion of a received transmission packet not requiring reassembly will be stored. For further information on this process, the interested reader is referred to U.S. patent application Ser. No. 07/719,212, filed Jun. 21, 1991 and assigned to the assignee of the present invention.”

In reference to the statement above, Buchholz describes a virtual circuit register that points to packet descriptors. The virtual circuit in Buchholz does not place *the contents of the fragment packet descriptor in a packet descriptor associated with the packet*. The virtual circuit ID field is a field within the packet header and not associated with the packet as in Applicant's claimed invention.

Applicant respectfully urges that the Buchholz patent is legally precluded from anticipating the claimed invention under 35 U.S.C. §102 because of the absence from the Buchholz patent of Applicant's *placing the contents of the fragment packet descriptor in a packet descriptor associated with the packet and issuing a request to a reassembly assist function if all the fragments for the packet have been received*.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

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Please charge any additional fee occasioned by this paper to our Deposit Account
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Respectfully submitted,



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